



JPW

Attorney Docket 0553-0166.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of)
)
Yamazaki et al.)
)
Serial No.: 10/629,069)
)
Filed: July 29, 2003)
)
For: Wiring Material And A)
Semiconductor Device Having A)
Wiring Using the Material, And The)
Manufacturing Method Thereof)
)
Art Unit: 2826)
)
Examiner: Fetsum Abraham)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450 on

March 21 2005

(Date of Deposit)

Shannon Wallace

Name of applicant, assignee, or Registered Rep.

Shannon Wallace 3/21/05

Signature

Date

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE (C) TO OFFICE ACTION

Sir:

Applicants have the following response to the Office Action of December 28, 2005 and respectfully request the issuance of a new action.

Pending Claims

In the Office Action, the Examiner states that Claims 36-41 are pending in this application (however, the Examiner also rejects Claim 42). This is incorrect.

On November 4, 2003, Applicants filed Amendment B (a copy of the amendment and return post-card showing receipt of the Amendment by the PTO on November 7, 2003 are attached). In

Amendment B, Applicants added new Claims 43-50 to previously pending Claims 36-42. Hence, Claims 36-50 are pending in this application.¹

As only Claims 36-42 appear to have been examined in this application, it is respectfully requested that this Office Action be withdrawn and a new action issued examining all of the pending claims, i.e. Claims 36-50.

Claim Rejections - 35 USC §102

The Examiner also rejects Claims 36-38 under 35 USC §102(e) as being anticipated by Yamazaki et al. (US 6,614,083). This rejection is respectfully traversed.

In particular, the '083 patent is the parent of the present application, for which priority is claimed under 35 USC §120. More specially, the '083 patent has an application serial number 09/527,437 and the present application is a divisional application under 35 USC §120 of application serial number 09/527,437.

Accordingly, the '083 patent is not prior art to the present application, and it is respectfully requested that this rejection be withdrawn.

Claim Rejections - 35 USC §103

The Examiner also rejects Claims 39-42 under 35 USC §103(a) as being unpatentable over Yamazaki et al. in view of Noguchi et al. (US 6,723,631). This rejection is also respectfully traversed.

For at least the reasons discussed above, Yamazaki et al. is not prior art to the present application, and it is respectfully requested that this rejection be withdrawn.

¹ Applicants pointed this out in the Response to Restriction Requirement of December 23, 2004.